

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,

Plaintiff,

v.

Case No. 17-C-70

WAL-MART STORES EAST LP,

Defendant.

ORDER

Plaintiff Equal Employment Opportunity Commission (EEOC) brought this action against Defendant Walmart Stores East LP on behalf of a terminated employee with Down Syndrome, Marlo Spaeth, alleging discrimination under Title I of the Americans with Disabilities Act of 1990 (ADA) and Title I of the Civil Rights Act of 1991. After a four-day trial, the jury returned a verdict in favor of the EEOC, awarding \$150,000 in compensatory damages and \$125,000,000 in punitive damages. After the verdict was returned, Walmart orally moved to reduce the award of compensatory and punitive damages to the statutory maximum of \$300,000. *See* 42 U.S.C. § 1981(a). The Court granted Walmart's motion. The Court advised that it was withholding the entry of judgment until it determined the issues of backpay and equitable relief.

On July 26, 2021, the Court held a telephone conference to discuss post-trial briefing. The Court set a briefing schedule as to motions for equitable relief. After the parties expressed disagreement as to a briefing schedule for Rule 50 and Rule 59 motions, the Court invited the parties to submit letters to address the issue. Walmart requests that its Rule 50 and Rule 59 motions be due 28 days after the entry of judgment, and the EEOC requests that the Court set a briefing

schedule under which Walmart files its motions in 30 days. Having considered the arguments made by the parties, the Court will not require that Rule 50 and Rule 59 motions be filed before the entry of judgment. Although parties may file valid motions prior to the entry of judgment, the Court finds that any arguments Walmart intends to advance regarding the judgment would be more appropriately addressed after a final judgment is entered. Walmart may file any post-trial motions consistent with the Federal Rules of Civil Procedure.

SO ORDERED at Green Bay, Wisconsin this 4th day of August, 2021.

s/ William C. Griesbach
William C. Griesbach
United States District Judge